

1 3993 Howard Hughes Parkway, Suite 600  
 2 Las Vegas, NV 89169-5996  
 3 Facsimile (702) 949-8321  
 4 Telephone (702) 949-8320

5 Rob Charles NV State Bar No. 006593  
 6 Email: rcharles@lrlaw.com  
 7 John Hinderaker AZ State Bar No. 018024  
 8 Email: jhinderaker@lrlaw.com  
 9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**  
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE  
 14 COMPANY,

15 USA CAPITAL REALTY ADVISORS,  
 16 LLC,<sup>1</sup>

17 USA CAPITAL DIVERSIFIED TRUST  
 18 DEED FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED  
 20 FUND, LLC,<sup>2</sup>

21 USA SECURITIES, LLC,<sup>3</sup> Debtors.

22 **Affects:**

- 23  All Debtors
- 24  USA Commercial Mortgage Company
- 25  USA Capital Realty Advisors, LLC
- 26  USA Capital Diversified Trust Deed Fund, LLC
- 27  USA Capital First Trust Deed Fund, LLC
- 28  USA Securities, LLC

29 Case No. BK-S-06-10725-LBR<sup>1</sup>  
 30 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 31 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 32 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 33 Case No. BK-S-06-10729-LBR<sup>3</sup>

34 **CHAPTER 11**

35 Jointly Administered Under Case No.  
 36 BK-S-06-10725 LBR

37 **NOTICE OF HEARING REGARDING  
 38 TWENTY-FIRST OMNIBUS  
 39 OBJECTION OF USACM TRUST TO  
 40 PROOFS OF CLAIM FOR LACK OF  
 41 DOCUMENTATION; AND  
 42 CERTIFICATE OF SERVICE**

43 Date of Hearing: August 21, 2009  
 44 Time of Hearing: 9:30 a.m.

45 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
 46 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
 47 CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**

48 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

49 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

50 <sup>3</sup> This bankruptcy case was closed on December 26, 2007.



1      **LOAN BECAUSE THE USACM TRUST CONTENDS THAT YOU HAVE BEEN  
2      PAID IN FULL FOR YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION  
3      WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN  
4      INVESTMENT IN A DIFFERENT LOAN.**

5      **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
6      COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
7      REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
8      SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING  
9      GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

10     **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
11 Twenty-First Omnibus Objection to Proofs of Claim Based for Lack of Documentation  
12 (the "Objection"). Your Proof of Claim number and other information regarding your  
13 claim is provided in **Exhibit A**, attached. The USACM Liquidating Trust has requested  
14 that this Court enter an order, pursuant to Bankruptcy Code § 502 and Bankruptcy Rule  
15 3007, disallowing your Proof of Claim for lack of documentation.

16     **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
17 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
18 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
19 **August 21, 2009, at the hour of 9:30 a.m.**

20     **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST  
21 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND  
22 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE  
23 HEARD ON THAT DATE.**

24     **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
25 by August 14, 2009, pursuant to Local Rule 3007(b), which states:



1        If an objection to a claim is opposed, a written response must be filed and  
 2        served on the objecting party at least 5 business days before the scheduled  
 3        hearing. A response is deemed sufficient if it states that written  
 4        documentation in support of the proof of claim has already been provided to  
 5        the objecting party and that the documentation will be provided at any  
 6        evidentiary hearing or trial on the matter.

7        If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 8        pleading with the Court. You *must* also serve your written response on the person who  
 9        sent you this notice.

10       If you do not file a written response with the Court, or if you do not serve your  
 11       written response on the person who sent you this notice, then:

- 12       • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13       • The Court may *rule against you* and sustain the objection without formally  
 14       calling the matter at the hearing.

15       Dated: July 22, 2009.

16       LEWIS AND ROCA LLP

17       By /s/ John Hinderaker Rob Charles (#18024)  
 18       Rob Charles, NV 6593  
 19       John C. Hinderaker, AZ 18024 (*pro hac vice*)  
 20       3993 Howard Hughes Parkway, Suite 600  
 21       Las Vegas, Nevada 89169  
 22       Telephone: (702) 949-8320  
 23       Facsimile: (702) 949-8321  
 24       E-mail: rcharles@lrlaw.com  
 25       *Attorneys for the USACM Liquidating Trust*

26       Copy of the foregoing mailed by first class  
 27       postage prepaid U.S. Mail on  
 28       July 22, 2009 to:

29       Parties listed on Exhibit A attached.

30       s/Renee L. Creswell  
 31       Renee L. Creswell  
 32       Lewis and Roca LLP